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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,197	07/11/2001	Lynn A. Russell	9725-74	1211

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EXAMINER

MILLER, JONATHAN R

ART UNIT PAPER NUMBER

3653

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/904,197

Applicant(s)

RUSSELL ET AL.

Examiner

Jonathan R. Miller

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 20-37 and 40-48 is/are pending in the application.
- 4a) Of the above claim(s) 41-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 13, 15, 16, 21, 22, 25-30, 32, 33, 35 and 36 is/are rejected.
- 7) ☒ Claim(s) 4, 11, 12, 14, 17, 20, 23, 24, 31, 34, 37 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 3653

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 – 3, 5-10, 13, 15, 16, 21, 22, 25 – 30, 32, 33, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Galton et al. The reference discloses a module (37) for screening or diverting particulate material comprising either one of a screening member (37) having an array of sieve apertures (36) of a predetermined size defined therein for allowing particulate material up to the predetermined size to pass through the module or a diverting member for redirecting the flow path of the said particulate material, the screening or diverting member including a frame engagement member (16; Figs. 3 – 5) for interlockingly mounting the screening or diverting member onto a reinforcing support frame (12) such that the screening or diverting member is readily attachable to and detachable therefrom, and such that particulate material passing through the screening member passes through the reinforcing support frame, the screening or diverting member being further interlockingly mountable onto a plurality of posts (94) such that the screening or diverting member is readily detachable therefrom.

3. With regards to claim 2, the reference further discloses said screening or diverting member and said frame are configured to mate with a portion of each of said posts by snap-fit engagement (Figs. 3 – 5).

4. With regards to claim 3, the reference further discloses said screening or diverting member comprises a substantially rectangular shape (Fig. 1) having a plurality of corners, and wherein post engagement members are located at each of the corners of the screening or diverting member for interlockingly mounting said screening or diverting member to each of said posts. Examiner contends that the posts are at the corners of the screening member.
5. With regards to claim 5, the reference further discloses at least a portion of a surface of said frame engagement member includes a gripping surface for engaging a complementary gripping surface on an engagement surface of said frame, thereby providing increased frictional mating engagement between said screening or diverting member and said frame (Fig. 3).
6. With regards to claim 6, the reference further discloses each of said posts is joined to a mounting piece (Figs. 3 – 8).
7. With regards to claim 7, the reference further discloses said mounting piece comprises a structural bar, a rod, or a tube (Figs. 3 – 8).
8. With regards to claim 8, the reference further discloses each said post is mounted to an underlying support member of a deck assembly (Figs. 3 – 5).
9. With regards to claim 9, the reference further discloses the module formed of at least one polymeric material (col. 8, lines 30+).
10. With regards to claim 10, the reference further discloses at least one frame is formed of a metal material or a polymeric material (col. 8, lines 30+).
11. With regards to claim 13, the reference further discloses each of said posts comprises at least one of a slot or a recess for interlockingly engaging with said module, and at least one frame slot is disposed within said posts (Figs. 3 – 8).

12. With regards to claim 15, the reference further discloses at least one said frame includes at least one laterally extending bracing member for maintaining the structural integrity of said frame (col. 7, lines 15+).

13. With regards to claim 16, the reference further discloses said screening or diverting member defines a plurality of receptacles, each receptacle receiving and retaining a portion of each of said posts (Figs. 3 – 8).

14. With regards to claim 21, the reference further discloses forming a module comprising either one of a screening member having an array of sieve apertures of a predetermined size defined therein for allowing particulate material up to the predetermined size to pass through the module and a diverting member for redirecting the flow path of the said particulate material; and configuring said screening or diverting module for interlockingly and detachably mountability onto a reinforcing support frame and onto a plurality of posts which removably and interlockingly support a reinforcing support frame, said module being disposable over at least a portion of at least one of the posts, the module being positionable on the reinforcing support frame so that particulate material passing through the screening module passes through the reinforcing support frame (see above)

15. With regards to claim 22, the reference further discloses said screening or diverting member and said frame are configured to mate with a portion of each of said posts by snap-fit engagement (Figs. 3- 8).

16. With regards to claim 25, the reference further discloses at least a portion of a surface of said frame engagement member includes a gripping surface for engaging a complementary

gripping surface on an engagement surface of said frame, thereby providing increased frictional mating engagement between said screening or diverting member and said frame (Figs. 3- 8).

17. With regards to claim 26, the reference further discloses each of said posts is joined to a mounting piece (Figs. 3- 8).

18. With regards to claim 27, the reference further discloses each said mounting piece comprises a structural bar, a rod, or a tube (Figs. 3- 8).

19. With regards to claim 28, the reference further discloses each said post is mounted to an underlying support member of a deck assembly (Figs. 3- 8).

20. With regards to claim 29, the reference further discloses formed of at least one polymeric material (col. 8, lines 30+).

21. With regards to claim 30, the reference further discloses at least one frame is formed at least one of a metal and a polymeric material (col. 8, lines 30+).

22. With regards to claim 32, the reference further discloses said frame slot is arcuate-shaped (Figs. 3- 8).

23. With regards to claim 33, the reference further discloses each of said posts comprises at least one of a slot or a recess for interlockingly engaging with said module, and at least one frame slot is disposed within said posts (Figs. 3- 8).

24. With regards to claim 35, the reference further discloses at least one said frame includes at least one laterally extending bracing member for maintaining the structural integrity of said frame (col. 7, lines 15+).

25. With regards to claim 36, the reference further discloses said screening or diverting member defines a plurality of receptacles, each receptacle receiving and retaining a portion of each of said posts (Figs. 3 –8).

***Claim Rejections - 35 USC § 112***

26. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

27. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 29 needs to be reworded to make more sense. How is a method formed of at least one polymeric material?

28. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. How does each receptacle receiving and retaining a portion of each of said posts? The posts are all over the platform. Each screening frame attaches to four posts not each post on the entire apparatus.

***Allowable Subject Matter***

29. Claims 4, 11, 12, 14, 17, 20, 23, 24, 31, 34, 37 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

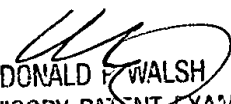
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

Art Unit: 3653

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jrm  
June 16, 2003

  
DONALD P. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600